

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

E. STEPHEN DEAN,

PLAINTIFF

V.

NO. 2:05cv-60-WAP-EMB

**JAMES R. MOZINGO, In His Official
Capacity as Chairman of the Mississippi
Board of Bar Admissions,**

DEFENDANT

ORDER TRANSFERRING CASE

BEFORE THE COURT are defendant's motion to dismiss [doc. 6] and plaintiff's response [doc. 9] in opposition. Having duly considered the arguments of the parties, the Court agrees with defendant that this case should have been brought in the Southern District of Mississippi. Nonetheless, defendant's motion to dismiss should be denied.

If a court determines that the plaintiff has brought his case in the wrong venue, the court may at its discretion and "in the interest of justice, transfer such case to any district or division in which it could have been brought." 28 U.S.C. § 1406(a); *see CD Solutions, Inc. v. Tooker*, 965 F. Supp. 17, 20-21 (N.D. Tex. 1997) (finding that transfer to the district where the defendants resided rather than dismissal would serve the interest of justice where the court concluded personal jurisdiction was lacking in an internet-related case) (citing *Goldlawr, Inc. v. Heiman*, 369 U.S. 463, 465-66 (1962)). The Court is of the opinion that justice would be served by transferring plaintiff's claims to the Southern District of Mississippi. *See, e.g., National Voice Communications, Inc. v. Federal Transtel, Inc.*, No. 3:01CV-0089, 2001 WL 460867 (N.D. Tex. Apr. 30, 2001) (the Court, finding the defendant had proven improper venue, elected to transfer

the plaintiff's claims to Georgia, as an alternative to dismissing them). Therefore, it is

ORDERED:

1. That defendant's motion to dismiss [doc. 6] is hereby **DENIED**;
2. That defendant's motion to stay discovery [doc. 10] is **DENIED** as moot; and
3. That the Clerk shall forthwith transfer this case to the Southern District of Mississippi.

THIS, the 27th day of September, 2005.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE